

REMARKS

This Amendment is being filed in response to the Office Action dated January 14, 2004 and the Advisory Action dated March 24, 2004. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-17 were pending in this application. Claims 18-19 are added by this amendment. Claims 1, 16, and 18 are independent claims.

The Applicants would like to thank the Examiner for the indication that Claims 16 and 17 are allowed.

In the Office Action, Claims 1-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,348,928 to Jeong ("Jeong in view of U.S. Patent No 6,176,782 to Lyons ("Lyons")).

In review, Jeong is cited for showing a video display that is adjusted in response to sensing a thermal temperature of person and rotating the video display to face the person. Lyons is cited for teaching vision recognition system. However, the vision system in Lyons merely determines a pose of the user and a position of the users hand for determining what a user is pointing at on a display screen.

However, Jeong in view of Lyons does not disclose or suggest "a control unit having image recognition software that identifies the user in an image generated by the image capturing device, the software of the control unit also generating at least one measurement of the position of the user relative to the viewing region based upon the detection of the user in the image" as required by Claim 1. Further,

Jeong in view of Lyins does not disclose or suggest "a control device coupled to the video capture device, the control device comprising a viewer detection portion configured to detect a viewer in the viewing region, the control device configured to invoke an adjustment of an orientation of the display screen based upon an orientation of the viewer within the viewing region" as required by Claim 18.

Accordingly, it is respectfully submitted that Claims 1 and 13 are allowable over Jeong in view of Lyons and an indication to that effect is respectfully requested. Claims 2-12 and 19 depend from one of Claims 1 and 13, and accordingly are allowable for at least this reason as well as for the separately patentable elements contained therein.

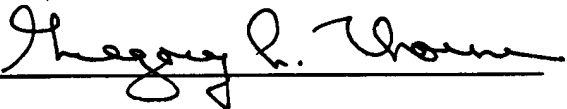
Lyons is further credited with showing identification of a gesture (see, Col. 1, line 10). However, this is a misreading of Lyon. Lyon merely states that it responds to a user pointing at a display screen. Lyon neither discloses nor suggests "a control unit having image recognition software that identifies one or more gestures of the user in an image generated by the image capturing device, the control unit invoking an adjustment of the orientation of the display screen based upon the identified gesture of the user in the image" as required by Claim 13. Lyon is not involved with identifying a gesture but merely identifying a position of an arm of the user relative to the head of the user to determine what the user is pointing to on a display screen. This is a completely different showing as should be clear from the details of Lyons.

Accordingly, it is respectfully submitted that Claim 13 is allowable over Jeong in view of Lyons and an indication to that effect is respectfully requested. Claims 14-17 depend from Claim 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained therein and notice to that effect is respectfully requested.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Senior Patent Counsel
(914) 333-9665
April 14, 2004